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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,749	12/04/2003	David P. Reichwein	0318	7593

112 7590 08/24/2005

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EXAMINER

KILIMAN, LESZEK B

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/727,749	Applicant(s) REICHWEIN ET AL.	
	Examiner leszek b. kiliman	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                            |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04-05</u> . | 6) <input type="checkbox"/> Other: ____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudson'625 in view of Lee'983.

The applied Hudson'625 reference teaches that it is well known in the art to make and use a plywood laminate comprising a plurality of wood plies and an adhesive interposed between the adjacent plies. The reference teaches that type of wood used for layers may vary and clearly suggest the use of lower and higher grade veneer for individual layers. See column 1, lines 34-55, column 4, lines 1-60. The reference does not specifically teach the veneer grade. However, the applied Lee'983 teaches that it is customary in the art to subject plywood laminate to a standard ANSI/HPVAHP test (see column 2 lines 15-40). It would have been obvious to one having ordinary skill in the art at the time of the invention to chose the veneer grade according to standard test as suggested by Lee'983 in Hudson'625 since such would improve processability of

the plywood laminate. Also, it would have been obvious to vary the number of plies and kind of wood veneer used for individual layers since such would improve strength of the laminate.

Regarding claims 2,20,23,47 see Hudson'625, column 1, lines 45-55 for teaching of the grain directions in the individual layers.

Regarding claims 4,5,10,1824,25,29,39 it would have been obvious to optimize thickness and density of the individual layers since such is known to improve mechanical properties of the laminate.

Regarding claims 11, 12, 13, 30, 31, 32 see Lee'983 for teachings of the moisture content for veneer laminates. See column 2, lines 1-10. Laminates of Hudson'625 in view of Lee'983 would have the same moisture barrier effectiveness as the claimed laminates.

Regarding claims 15, 16, 34, 35 see Lee'983 column 1, lines 25-31 for teachings of adhesive resins.

Regarding claims related to tongue and groove and click-lock connections the examiner submits that such connections are so well established in the art that it would have been obvious to one having ordinary skill in the art to incorporate such connections into any design for laminated veneer.

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The amendments and remarks filed by applicants have been fully considered. The claims however, remain unpatentable in view of the new grounds of rejections. The allowability of the claims indicated in the previous office action is hereby withdrawn by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leszek B. Kiliman whose telephone number is 571-272-1509. The examiner can normally be reached on M-T, 6.30-5.00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lk



LESZEK KILIMAN, PhD  
PRIMARY EXAMINER